

### **REMARKS**

This is in response to the Office Action mailed June 21, 2006.

Claims 1, 3, 10 and 19-22 have been amended. Claim 8 has been cancelled. Support for amendments to claims 1 and 14 can be found throughout the originally filed application, e.g., paragraphs 41 and 43, and Table 4. No new matter is introduced. Applicants submit these amendments to place the claims in condition for allowance or better condition for Appeal, pursuant to C.F.R. 1.116. Accordingly entry of this amendment is respectfully requested.

Independent claim 1 and its dependent claims 2-7, 9 and 14-18, independent claim 10 and its dependent claims 11-13, and independent claim 19 and its dependent claims 20-22, are currently pending and at issue.

### **Claim Rejections - 35 U.S.C. §103**

The Examiner has rejected the claims under U.S.C. § 103(a) as being unpatentable over (1) Metz et al (AJH 1:58-60 1988), (2) Skinner (Scan J Nutr 2/99 suppl 34 p. 45S), and (3) Summerbell (BMJ 317 1998 p. 1478-89), in view of knowledge that allegedly can be obtained by routine experimentation or is well known to one of ordinary skill in the art.

Amended claims 1, 10 and 19 are directed to methods of modulating metabolism or inducing weight loss and/or increasing the metabolic consumption of adipose tissue in an individual suffering from obesity.

Applicants contend that the present invention is distinct from Metz, Skinner and Summerbell, because these references, either alone or in combination, do not disclose, teach or suggest the claimed invention as set forth in amended claims 1, 10 or 19 or their dependent claims

2-7, 9 and 14-18, claims 11-13, or claims 20-22, respectively, which include additional limitations distinguishing them from the cited references. The rejection is traversed. The Applicants respectfully request that this rejection be withdrawn.

### **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of claims 1-7 and 9-22 and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Application No. 10/827,307  
Amendment dated October 18, 2006  
After Final Office Action of June 21, 2006

Docket No.: 31894-202097

In view of the above amendment, applicant believes the pending application is in  
condition for allowance.

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Respectfully submitted,

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